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UNCLAS STATE 114403

SENSITIVE
USUN FOR FC DEL
GENEVA FOR CD DEL
ISN/MNSA/ VCI

E.O. 12958: N/A

TAGS: PARM UNGA CDG PREL

SUBJECT: 63RD UNGA/FIRST COMMITTEE: U.S. RESOLUTION ON
COMPLIANCE: REQUEST FOR FOLLOW-UP DEMARCHEES IN SUPPORT OF
RESOLUTION PRIOR TO VOTE SCHEDULED ON OCTOBER 30, 2008

REF: A. A: USUN 964
B. B. STATE 101817
C. C. USUN 973

1.(U) This cable contains an Action Request; see paras 3 - 6.

12. (U) The United States and its co-sponsors (52) agreed to submit revisions (refs) to their resolution on "Compliance with non-proliferation, arms limitation and disarmament agreements and commitments," with a view to maximizing support for the text. The revised text, which should be available in hard copy NLT Monday October 27, is tentatively scheduled for vote on Thursday, October 30 (see para 7). Sponsors now include: Afghanistan, Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Croatia, Czech Republic, Cyprus, Denmark, Estonia, Fiji, Finland, France, Germany, Greece, Haiti, Hungary, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Palau, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, The Former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, United Kingdom, USA.

13. (SBU) Background and Action Request. The revised text of the Compliance Resolution is designed to move South Africa and Indonesia to a "yes" vote. In addition, the U.S. delegation has been encouraging &yes8 votes from Pakistan, China, and Egypt. The U.S. delegation believes it highly

unlikely that Egypt will change its vote as a resolution encouraging "concerted action" against non-compliance could be used as justification for what Egypt might deem to be unacceptable action, in spite of the resolution caveats about being consistent with relevant international law and the UN Charter. The U.S. delegation believes that Egypt has raised its concerns with others in the Arab Group and at least one or more are considering a move to an abstention e.g. Syria. Demarches in key capitals, reinforcing support for positive action on the resolution, would be highly beneficial. In view of the expected vote on October 30, posts are requested to make the points in paras 4-6, as appropriate, as soon as possible. Any host government reaction should be copied to USUN for FC Delegation. Text of the revised resolution is in para 7.

¶4. (U) Talking Points for select Arab Group States and Observers (Iraq, Jordan, Lebanon, Saudi Arabia, Yemen, Libya, Morocco, Tunisia, Kuwait, Algeria, UAE, Bahrain, Qatar, Oman, Mauritania, Somalia, Djibouti, Comoros, Eritrea):

- In its resolution 60/55 in December 2005, the 60th UNGA acknowledged the importance of compliance with non-proliferation, arms limitation and disarmament agreements and decided to remain seized of the matter.

- Your country joined in support of this resolution, which was adopted by a vote of 163-0.

- Since passage of the 2005 resolution, the issue has gained even more importance. Consequently, the United States has been joined by more than 50 other countries in sponsoring a follow-up resolution this year in the UNGA's First Committee, tabled as A/C.1/63/L.32, "Compliance with non-proliferation, arms limitation and disarmament agreements and commitments."

- The Co-Sponsors of this resolution have consulted broadly during the First Committee and, in order to maximize support for the text, have made a few modest changes to meet some concerns raised, reflected in a Revision 1.

- These changes are designed to clarify that all agreements, obligations, and commitments undertaken in the non-proliferation, arms limitation and disarmament arenas are important and to encourage support for capacity-building, and related assistance upon request.

- Operative Para 4,s call for &concerted action⁸ from "concerned" vice "Member" States should clarify that some States may have greater concerns than others, while retaining the important notion that any such action would be taken "in a manner consistent with relevant international law," and holding those States in non-compliance accountable would be "in a manner consistent with the Charter of the United Nations."

- We believe that there is no more important time than now to express the strongest and broadest endorsement of compliance. Therefore, we ask that you join with us once again in supporting this important resolution when it comes up for a vote this week in the UN,s First Committee.

¶5. (U) Talking points for Indonesia:

- In its resolution 60/55 in December 2005, the 60th UNGA acknowledged the importance of compliance with non-proliferation, arms limitation and disarmament agreements and decided to remain seized of the matter.

- Indonesia abstained on the resolution, which was adopted by a vote of 163-0, with ten abstentions.

- Since passage of the 2005 resolution, the issue has gained even more importance. Consequently, the United States has been joined by more than 50 other countries in sponsoring

a follow-up resolution this year in the UNGA's First Committee, tabled as A/C.1/63/L.32, "Compliance with non-proliferation, arms limitation and disarmament agreements and commitments."

- The Co-Sponsors of this resolution have consulted broadly during the First Committee including with the Indonesian Delegation (Dr. Desra Percaya, Director for International Security and Disarmament, Department of Foreign Affairs) and have made several modest changes to meet some concerns raised, reflected in a Revision 1.

- These changes are designed to clarify that all agreements, obligations, and commitments undertaken in the non-proliferation, arms limitation and disarmament arenas are important and to encourage support for capacity building and assistance for such upon request.

- We believe that there is no more important time than now, when the international community is facing significant compliance challenges. Therefore, we hope that Indonesia can join with us this year in supporting this important resolution when it comes up for a vote this week in the UN's First Committee.

16. (U) Talking points for Pakistan

- In its resolution 60/55 in December 2005, the 60th UNGA acknowledged the importance of compliance with non-proliferation, arms limitation and disarmament agreements and decided to remain seized of the matter.

- Your country did not vote on this resolution, which was adopted by a vote of 163-0.

- Since passage of the 2005 resolution, the issue has gained even more importance. Consequently, the United States has been joined by more than 50 other countries in sponsoring a follow-up resolution this year in the UNGA's First Committee, tabled as A/C.1/63/L.32, "Compliance with non-proliferation, arms limitation and disarmament agreements and commitments."

- The Co-Sponsors of this resolution have consulted broadly during the First Committee including with your representatives and, in order to maximize support for the text, have made several modest changes to meet some concerns raised, reflected in a Revision 1.

- These changes are designed to clarify that all agreements, obligations, and commitments undertaken in the non-proliferation, arms limitation and disarmament arenas are important and to encourage support for capacity building, and assistance for such upon request.

- Operative Para 4's call for &concerted action⁸ from "concerned" vice "Member" States should clarify that some States may have greater concerns than others, while retaining the important notion that any such action would be taken "in a manner consistent with relevant international law," and holding those States in non-compliance accountable would be "in a manner consistent with the Charter of the United Nations."

- We believe that there is no more important time than now to express the strongest and broadest endorsement of compliance. Therefore, we ask that you join with us this year in supporting this important resolution when it comes up for a vote this week in the UN's First Committee.

17. (U) Text of revised Compliance Resolution, L.32/Rev.1, follows:

Being Text:

Compliance with non-proliferation, arms limitation and disarmament agreements and commitments

The General Assembly,

(p1) Recalling its resolution 60/55 of 8 December 2005, other relevant resolutions on the question, and noting the Report of the Panel of Government Experts on verification in all its aspects (A/61/1028),

(p2) Recognizing the abiding concern of all Member States for ensuring respect for the rights and obligations arising from treaties to which they are parties and from other sources of international law,

(p3) Convinced that observance by Member States of the Charter of the United Nations and compliance with non-proliferation, arms limitation and disarmament agreements to which they are parties and with other agreed obligations are essential for regional and global peace, security and stability,

(p4) Stressing that failure by States parties to comply with such agreements and with other agreed obligations not only adversely affects the security of States parties but also can create security risks for other States relying on the constraints and commitments stipulated in those agreements,

(p5) Stressing further that the viability and effectiveness of non-proliferation, arms limitation and disarmament agreements and of other agreed obligations require that those agreements be fully complied with and enforced,

(p6) Concerned by non-compliance by some States with their respective obligations,

(p7) Noting that verification and compliance, and enforcement in a manner consistent with the Charter, are integrally related,

(p8) Recognizing the importance of and support for effective national, regional, and international capacities for such verification, compliance, and enforcement,

(p9) Recognizing also that full compliance by States with all their respective non-proliferation, arms limitation and disarmament agreements and with other agreed obligations they have undertaken contributes to efforts to prevent the development and proliferation, contrary to international obligations, of weapons of mass destruction, related technologies and means of delivery, as well as to efforts to deny non-State actors access to such capabilities,

¶1. Underscores the contribution that compliance with non-proliferation, arms limitation and disarmament agreements and with other agreed obligations makes to enhancing confidence and to strengthening international security and stability;

¶2. Urges all States to implement and to comply fully with their respective obligations;

¶3. Calls upon all Member States to encourage and, for those states in a position to do so, to appropriately assist States which request assistance to increase their capacity to implement fully their obligations;

¶4. Calls further upon all concerned States to take concerted action, in a manner consistent with relevant international law, to encourage, through bilateral and multilateral means, the compliance by all States with their respective non-proliferation, arms limitation and disarmament agreements and with other agreed obligations, and to hold those not in compliance with such agreements accountable for their non-compliance in a manner consistent with the Charter of the United Nations;

¶5. Urges those states not currently in compliance with their respective obligations and commitments to make the strategic decision to come back into compliance;

¶6. Encourages efforts by all States, the United Nations, and other international organizations, pursuant to their respective mandates, to take action, consistent with the Charter, to prevent serious damage to international security and stability arising from non-compliance by States with their existing non-proliferation, arms limitation and disarmament obligations.

End Text.
RICE

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End Cable Text